

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JACOB GRADY, TYLER
GRADY, FAITH GRADY, and CLAYTON
GRADY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DANIEL GRADY,

Respondent-Appellant.

UNPUBLISHED
November 7, 2006

No. 269904
St. Clair Circuit Court
Family Division
LC No. 04-000561-NA

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A19.b(3)(c)(i), (c)(ii), and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). The conditions that led to the adjudication were that the children's mother had been hospitalized for a drug overdose and was unable to take care of the children. Respondent was in jail for nonpayment of child support and had no home or employment. Shortly thereafter, the children's mother died, and the case focused on reunification with respondent, who had been released from jail. Despite making progress during the pendency of the case to the extent that reunification was scheduled, respondent went on a drinking binge during the very week the children were to move into his home, lost his job because he failed to show up for a week, and then lost his housing. He presented himself at trial living in a shelter and unemployed. Thus, the conditions that led to the adjudication continued to exist at the trial.

The condition that had not been stated in the amended petition was respondent's alcohol abuse problem. That problem still existed at the time of trial. Respondent argues that he was in the process of rectifying the problems, by getting therapy, attending AA meetings, and actively seeking employment and housing, and should have been given more time to show that he could

rectify the conditions. We disagree. The record reflects that before his relapse respondent had participated in one-on-one therapy, attended AA meetings, and had obtained employment and housing. Yet, when the time came for him to assume the responsibilities and obligations of parenthood, he went on an alcohol binge and lost his job, his housing, and his opportunity to reunite with the children. This relapse also had a negative impact on the children, causing behavioral problems. Respondent had already been given a reasonable opportunity to rectify the conditions. The trial court did not clearly err in finding no reasonable likelihood that the conditions would be rectified within a reasonable time considering the children's ages.

Finally, we find that respondent had failed to provide proper care or custody for the children for at least two years before adjudication, and all during the case. At the time of trial, he was homeless and without employment and just released from an alcohol rehab program. Thus, there was no reasonable expectation that he would be able to provide proper care and custody within a reasonable time.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio